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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: ALEXANDER HAYDUK - 1
SERIAL NO.: 10/786,998 EXAMINER: J. BASTIANELLI
FILED: FEBRUARY 25, 2004 GROUP: 3754
TITLE: GASTIGHT DISC SLIDE

COVER LETTER ENCLOSING BRIEF ON APPEAL

MAIL STOP APPEAL BRIEF
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed herewith for filing is a Brief on Appeal, along with the Appeal Brief fee of \$500 for a Large Entity. The Commissioner of Patents is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 03-2468.

Respectfully submitted,
ALEXANDER HAYDUK

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802

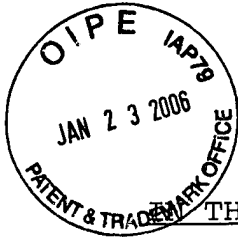
Allison C. Collard, Reg.No.22,532
Elizabeth Collard Richter, Reg.No.35,103
Attorneys for Applicant

ECR/djp

Enclosure: Brief on Appeal
Check for \$500

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 19, 2006.

Kelly Aspitia



PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BRIEF ON APPEAL

MAIL STOP APPEAL BRIEF
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P.O. Box 1450
Alexandria, VA 2313-1450

Dear Sir:

In accordance with the provisions of Rule 192(c), the following items under appropriate headings are provided:

(1) REAL PARTY IN INTEREST:

The real party in interest is Wacker-Chemie GmbH, the assignee of the above-referenced patent application.

(2) RELATED APPEALS AND INTERFERENCES:

There are no other appeals or interferences known to Appellant, the Appellant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

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(3) STATUS OF CLAIMS:

Claims 1-3 are being appealed. Claims 1-3 are pending.
Claims 1-3 stand rejected.

(4) STATUS OF AMENDMENTS:

Claims 1-3 stand rejected under 35 USC 103(a) as being unpatentable over Berchem '427 in view of Berchem '004. No amendments were filed after the Final Office Action, but remarks were submitted on October 21, 2005. The amendment filed on July 15, 2005 has been entered.

(5) SUMMARY OF CLAIMED SUBJECT MATTER:

For illustration purposes only and pursuant to Rule 37 CFR 41.37(c)(1)(v), the invention claimed in claim 1, the sole independent claim, will be described with reference to the drawings and specification. The invention comprises a gas-tight disc slide that can be mounted between a feed pipeline (1) and a discharge pipeline (2), comprising a casing (3) which includes a valve seat (5) having two sealing discs (4a, 4b), and a shut-off element that is held movably therein in the form of a slide plate (6), and an actuation element (7) for the slide plate. The valve seat (5) and the slide plate (6) are provided with a

surface made from silicon or quartz glass. (specification page 3, first full paragraph, page 5, third paragraph).

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL:

Whether the rejections of claims 1-3 under 35 U.S.C. 103 as being unpatentable over Berchem '427 in view of Berchem '004 is proper, or whether these rejections should be reversed.

(7) ARGUMENT

The above-defined issue is believed to be in error and should be reversed for the following reasons.

As discussed in the previously-filed responses, Berchem '427 provides no teaching or suggestion that the materials of claim 1 can be used in a disc slide to great advantage. Berchem '427 relates not to a disc slide, but to an entirely different structure. Berchem '427 relates to valve comprising a ball valve and a valve seat. This is not an equivalent structure to a valve comprising a slide plate with two sealing discs. These two structures have completely different mechanic and dynamic properties. While both structures can be used for the same purpose, it is obvious to one of skill in the art that the properties and functional needs of the parts of one valve cannot

be transferred to the other valve. Thus, while Berchem '427 may teach the use of quartz glass in a ball valve, there is no teaching or suggestion in either of the cited references that the claimed materials could be used for the valve seat and slide plate of the valve according to the invention.

Furthermore, since Berchem '004 teaches away from the use of the claimed materials for the valve seat and slide plate, one would not be prompted to look at other types of valves for possible new materials. Berchem '004 teaches the use of different materials for the valve seat and the slide plate and thus explicitly teaches away from the use of silicon or quartz glass as a material for both the shut off and control elements of the valve. Thus, there can be no suggestion in Berchem '004 to combine its teachings with Berchem '427 to achieve the present invention. The valve of Berchem '004 specifically requires the use of two different materials for the valve seat and slide plate, to prevent adhesion between them. Thus, combining Berchem '004 with Berchem '427 would not lead to the present invention, because the valve seat and slide plate would necessarily have to be made of two different materials, which is not the case with the present invention. Since the present invention has the valve seat and slide plate made of the same material, a feature that has surprising advantages not taught or suggested by the prior

art, Claims 1-3 are patentable under 35 USC 103 over Berchem '427
in view of Berchem '004.

Accordingly, Applicant submits that claims 1-3 are
patentable over the cited references, taken either singly or in
combination. Early allowance of the claims is respectfully
requested.

Respectfully submitted,
ALEXANDER HAYDUK



COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802

Allison C. Collard, Reg.No.22,532
Elizabeth Collard Richter, Reg.No.35,103
Attorneys for Applicant

ECR: djp

Enclosure: Appendix containing appealed claims 1-3

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Kelly Espitia



(8) APPENDIX

The Appealed claims are as follows:

1. A disc slide for conveying pure granules or dusts, which can be mounted between a feed pipeline and a discharge pipeline, comprising:

a casing;

a valve seat mounted in the casing and comprising two sealing discs;

a shut-off element in the form of a slide plate movably held between the sealing discs; and

an actuation element for the slide plate;

wherein the valve seat and the slide plate are provided with a surface made from a material selected from the group consisting of silicon and quartz glass.

2. The disc slide as claimed in claim 1, wherein all surfaces of the disc slide which come into contact with granules and dusts consist of silicon or quartz glass.

3. The disc slide as claimed in claim 1, wherein the valve seat and the slide plate consist of silicon.